



Livingston City Commission Minutes

November 21, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/82178979351?pwd=a1FDeEppeVIQMUIzc0g4Qm55WmR3dz09>

Meeting ID: 821 7897 9351

Passcode: 459228

1. Call to Order

Chair Nootz called the meeting to order at 5:32pm

2. Roll Call

City Commission in attendance at start of meeting: Chair Nootz, Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, and Commissioner Lyons.

Staff in attendance: City Manager Grant Gager, Policy Analyst Greg Anthony, Acting Chief Wayne Hard, Finance Director Paige Fetterhoff

3. Public Comment

Individuals are reminded that public comments should be limited to item over which the City Commission has supervision, control jurisdiction, or advisory power (MCA 2-3-202)

Public Comment was offered by:

- Leslie Fiegel congratulated Chair Nootz on re-election. She also thanked the City Manager for help on the Christmas Stroll and it's mapping.

4. Consent Items

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| A. APPROVAL OF MINUTES FROM NOVEMBER 7, 2023, REGULAR CITY COMMISSION MEETING | PG.4 |
| B. APPROVAL OF CLAIMS PAID FOR 11.01.2023 TO 11.15.2023 | PG.18 |
| C. AGREEMENT 20044 WITH HEADWATER ECONOMICS | PG.28 |

Chair Nootz asked the City Manager if they had any items that needed to be pulled.

The City Manager stated that a word was missed in the November 7 Minutes on page 14 line 19. There was a comment about affordable housing that Chair Nootz made and the correction will read "should not be"

Motion to approve all consent agenda items with the correction made by the City Manager was made by Chair Nootz and seconded by Commissioner Lyons. The motion passed unanimously by the five members present.

5. Proclamations

**A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA
RECOGNIZING NOVEMBER 25TH AS SMALL BUSINESS SATURDAY IN LIVINGSTON
MONTANA. PG.33**

Chair Nootz read the proclamation.

The City Manager stated he is looking forward to small business Saturday and hopes to see community members out there enjoying it.

Vice-Chair Kahle hopes everyone goes out and shops downtown on the 25th and then attends Light-Up Livingston that evening.

Chair Nootz thanked the City Manager for including this proclamation tonight.

6. Scheduled Public Comment

7. Public Hearings

Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)

8. Ordinances

**A. ORDINANCE 3047: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
LIVINGSTON, MONTANA, AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE,
ENTITLED TREES, BY ELIMINATING THE TREE BOARD. PG.35**

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this is the second reading of this ordinance. As a follow up to conversations in the last meeting the City Manager wanted to work through with the Commission a plan that he and staff had put together for public engagement related to responsibilities of the Tree Board. This will help affirm how those responsibilities will be handled moving forward if this second reading passes.

The City Manager stated the Tree Board was created in response to several efforts such as implementing the tree plan, and also as a requirement of the Tree City USA. Requirements of Tree City USA include: Maintaining a tree board or department, having a community tree ordinance, spending \$2 per capita on urban forestry, celebrating Arbor Day. Livingston Municipal Code and the Growth Policy both include topics around trees and it was made clear that a good number of these are performed at a staff level. Public Engagement Opportunities include: Create an Emerald Ash Borer Action Plan, requirements for trees into the Gateway Overlay Zoning, Expand educational programs, when requested by the City Commission.

Chair Nootz asked if there are items of a policy nature in these 12 items listed.

The City Manager stated in the Tree City USA there are none policy related, the ordinance is a policy as far as updates go, but the most policy driven is when requested by the City Commission,

shall consider, investigate, make finding, report and recommend upon any special matter or questions coming within the scope of its work.

Chair Nootz stated in the last two years she has been on the Tree Board there is a growing interest in educational programming, but realizes that is something that will not go through the Commission.

Vice- Chair Kahle asked to review Public Engagement and what it might look like.

The City Manager started with the Emerald Borer Action Plan stating he believes we would have a citizen's advisory committee. The Gateway Overlay Zoning will look to have engagement happy at the Zoning Commission level. Educational Programs is in the early stages of development, but working with programs like Bee City USA there are various ways to communicate with the public in educational programs.

Commissioner Schwarz moved to approve the ordinance and Commissioner Friedman seconded the motion

Public Comment was offered by:

- Erica Lighthiser is commenting on behalf of Park County Environmental Council and stated Livingston prides itself in being a Tree City USA and included that urban trees are very important to Livingston's community character. She listed some 2022 tree data. She would like to see a comprehensive and long-term Urban Forest management plan created.
- Joanna Massier works with PCEC stated she collected signatures asking folks around town if they support the Livingston Tree Board. She received 30 signatures in 1.5 hours that were all yes.
- Elizabeth McNamee is a member of the Tree Board and expressed her feelings that the Tree Board is an asset not a liability. She asked the Commission not to pass this ordinance tonight and allow the Tree Board to work with the City to create a new vision for volunteer public engagement. She would like the opportunity to re-do their by-laws and create a master plan.
- Angela Devani asked the Commission to keep the Tree Board. She feels it does a lot for the community and helps keep the community involved. She asked how many ash trees are left in the City that the City planning to remove. She would like to see herbalist involvement in the Tree Board so they are able to salvage some parts of the trees that are being taken down.
- Leslie Feigel expressed concerns with the North side of Livingston regarding trees. She stated she still doesn't know who our City arborist is and expressed concerns about the community not knowing who that is.

Chair Nootz starts off by getting answers to some of the questions they heard in public comment. Starting off with clarification on what the Commission is voting on.

The City Manager clarified they are talking about eliminating the Tree Board, which is one avenue that tree work occurs, and it's the City's intention not to do less with the urban forest or with trees, it's really to effectively and properly align roles and responsibilities. He reassured the community that the work will occur and there is much more in urban forestry that will occur especially in the public outreach and engagement part of it.

Chair Nootz asked about for clarification on the questions about the number of ash trees in the community and realizes this is not the time to have that conversation, but did ask that the data please be shared or made available to the public.

The City Manager expressed yes, he could make sure that information is shared.

Chair Nootz asked if the City Manager could clarify without a board how would the community reach out to the City.

The City Manager stated we have a certified Arborist in the Parks division of Public Works as well as the Streets division of Public Works and they are welcome to call the Public Works Department directly, or can contact them through the website.

Chair Nootz asked if the City has to have a designated tree department that stands alone in order to maintain the Tree City USA designation.

The City Manager stated no, it doesn't have to be a specific department. Just a department that has been delegated responsibility for trees and we currently meet that requirement.

Chair Nootz asked how much money receive for being part of Tree City USA

The City Manager stated that is does vary from year to year.

Vice-Chair Kahle asked for clarification around the ash tree comment and how many are we going to take down and wanted to clarify that they are only being removed if they are hazardous or dead.

The City Manager stated that is correct. The City is only cutting these trees down if they are diseased or damaged.

Chair Nootz asked if someone wanted to connect with the City for trees that being removed, is that a possibility.

The City Manager stated yes, that is something the City could do.

Commissioner Friedman stated he was on the Tree Board 12 years ago. And stated people that have concerns about trees will call a professional tree person about their issue, not necessarily reaching out to the Tree Board. He reiterated that the need for a Tree Board has changed and he hopes the folks on board are not too hurt.

Commissioner Lyons asked if the City Manager can estimate how much staff time is required to maintain the volunteer board.

The City Manager stated there are a minimum of 5 staff hours associated with each meeting.

Commissioner Lyons appreciates the list of potential engagement, and would like to know if there is a way for the public and commission to be updated on the progress of those efforts.

The City Manage stated he will update the community and commission regularly on what is happening.

Commissioner Lyons asked about the Comprehensive Management Plan and who would be charged with producing this.

The City Manager stated we would contract out, and this person or team would be supported by staff.

Commission Lyons expressed thoughts around not receiving any feedback from the community that is for eliminating this board and finds this decision challenging. Overall he does trust the City Manager's executive judgment on this topic of elimination, and trusts that there will be opportunities for continuing that work in ways that will be more effective for the City.

Vice-Chair Kahle expressed concerns about the current board and how it's set up, but really appreciates the members of the Tree Board and time they have given to the board. She did like the City Manager's thoughts about continued public engagement, and would like to see ad hoc committees set up around some of these projects.

Chair Nootz stated there are comments from Tree Board members who are for its elimination and doesn't want those comments to be forgotten among the folks who made comment in person at the meeting. It was expressed that there is a liability concerns with the volunteers being in charge of things like hazard trees and making those decisions, and realizing from a risk perspective that they maybe would not be covered under the City insurance if something should happen. She feels it's important for our public engagement to be growing as our community grows and to be responsive to where the community is today, and feels that the way the board was created at the time it was set up is representative of Livingston today.

The item was approved unanimously by the five commissioners present.

B. ORDINANCE 3048: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 27, CITY PLANNING BOARD, OF THE LIVINGSTON MUNICIPAL CODE, BY RENAMING THE CHAPTER CONSOLIDATED LAND USE BOARD AND GEREALLY REVISING THE PROVISIONS THEREOF. PG.65

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this is an item that was discussed in the last meeting and is in response to Senate Bill 130 that was passed by the Montana legislature. It specifically allows the consolidation of a Planning Board and Zoning Commission. Last week they did have a joint Planning and Zoning meeting for the Downtown Master Plan and in that meeting there was a conversation about consolidating the two boards. In that discussion there seemed to be understanding from both boards that they are linked in ways, and also a sense of discomfort that each board could not fully act on some topics as they were just outside of their scope as an individual board.

Chair Nootz stated when she first got on to the Commission those boards were consolidated. She asked the City Manager if he has discussed with staff kind of what it was like having a consolidated board then having them split.

The City Manager stated that staffs preference is to move to a consolidated board.

Commissioner Lyons moved to approve the ordinance and Vice-Chair Kahle seconded the motion

Public Comment was offered by:

- Stacy Jovik is the current Chair of the Livingston Planning Board and feels that they have become a great team. She expressed feelings that this team feeling will be lost with a consolidated board, and feels that the City is taking on so many projects that people connections are getting lost.

Chair Nootz recalled why people did not want to split and hearing the feedback from the joint meeting they had is a reminder of why they never wanted the boards to split in the first place. She

did ask for clarification around the zoning overhaul redoing the growth policy and clear up if they are or are not the same thing.

The City Manager stated that they are two very different things. The Growth Policy is a comprehensive look at where community is now and where the community would like to be. The Zoning code is looking at the definitions of districts and allowable uses of all of those districts. The zoning overhaul is more technical and a consultant has not been hired yet, but they are preparing the scope of work and will put out an RFP in the coming weeks.

Chair Nootz shared her feelings on the importance of trust with the community and a relationship between citizens and government.

Vice-Chair Kahle reviewed the ordinance and expressed concern about the removal of a Commissioner on this consolidated board. She felt it has been helpful having a Commissioner on the Planning Board and found it helpful in decision making. She also wondered about needing additional City staff on this board. Vice-Chair Kahle also acknowledged how much work Stacy Jovick and the Planning Board did during the Growth Policy.

Commissioner Lyons thanked Vice-Chair Kahle for acknowledging the work and effort put into the Growth Policy. In the joint conversation Commissioner Lyons stated there was concern about a reduction in the opportunities for public engagement, but also heard from the group the possibility of efficiency and synergy of bringing those boards together. He clarified by combining these boards it will not eliminate any function of advisory boards to the Commission. Commissioner Lyons shared concern with Vice-Chair Kahle on clearing up what membership would look like.

Chair Nootz expressed her thoughts on what it was like being on the Planning Board while being Commission and stated it at times was an awkward position to be in before deliberating with the City Commission. She gave an example of voting on something for the Planning Board before it has been to the City Commission could really leave the City Commissioner in a tough position. Chair Nootz also expressed that the board doesn't need an employee of the City of Livingston voting on a Planning Board, and asked for clarification that any staff would have time to give their input on a topic before it went to a vote.

The City Manager stated that is correct and also added it is his intent to have staff available for larger deliberations. He reassured that a consolidated board would have ample access to staff.

Chair Nootz brought up a concern on page 74 of the packet, section 27-4 part C the Secretary position, and expressed that she did not like the way this written and feels this will put them in a position where community members are directing staff. She preferred they move this forward using staff as a secretary.

The City Manager stated he shared a similar concern with this, but it was left that way with direction from the Planning Director.

Chair Nootz asked if they could please clarify the language.

Vice-Chair Kahle stated she likes the idea of having a City Commission on this board and know of other communities doing this. She feels it would be helpful to keep a Commissioner on the consolidated board.

Commissioner Lyons understands where Chair Nootz is coming from when she spoke about the voting on Planning Board and on the City Commission, but feels he's been able to provide to the

Planning Board some of the considerations that might be outside of a single decision they are considering, and he can ultimately report to the Commission how those decisions came around. He ultimately feels it's beneficial to have a Commissioner on this consolidated board, and doesn't object to just being a non-voting member of the board. Speaking to having staff on the board he understands both sides of having staff and not having staff on this board.

Chair Nootz clarified that amended changes they want are 8 members, 7 are voting, staff not on the board, and clarity on section C for the secretary, and the quorum be more clearly defined if it's an even number board.

Chair Nootz moved to amend the ordinance to make the changes as discussed and Vice-Chair Kahle seconded the motion.

The amendment was approved unanimously by the five commissioners present.

The item was approved unanimously by the five commissioners present.

7:31PM Chair Nootz motioned for a 10 minute break seconded by Vice-Chair Kahle.

Unanimously approved.

(Starts at Video Mark 1:59:56)

9. Resolutions

- A. RESOLUTION 5120: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2022-2023, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$2,631,557 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$3,635,965. PG.78**

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this resolution is to amend the FY year 2022/2023 budget and clarified that is the budget year that ended on 6/30/23. The reason for this change is that we received more revenue than anticipated in the budget and similarly we expended more dollars than were anticipated in the budget. The majority of the work is related to the sewer improvements in Green Acres that were funded through an ARPA grant and we accomplished the work more quickly than expected with outside money that wasn't initially anticipated.

Vice-Chair Kahle moved to approve the resolution and Commissioner Friedman seconded the motion.

The item was approved unanimously by the five Commissioners present.

- B. RESOLUTION 5121: A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN ITEMS AS SURPLUS AND AUTHORIZING THEIR DISPOSAL PG.82**

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this item is to declare some equipment in the police department surplus and this specifically about one of the K9 units. One of the handlers put in his notice of separation from the City of Livingston, and he is returning to a city where he has family, and so with his departure we will be down a handler. It was determined with former Police Chief and Interim Police Chief that the City's Police operations would not be adversely impacted with the loss of a K9 given that we have a second K9 unit.

Chair Nootz asked for clarity about what it means when a police dog goes up for sale.

The City Manager stated the intent of the City to sell the dog to the handler who has trained with the animal.

Vice-Chair Kahle asked how they come up with the cost of a K9.

The City Manager stated this K9 came to the City through a grant from the Montana Board of Crime Control, so the City has not incurred any cost in the acquisition of the animal, but we did incur cost in the training of the handler, so he and the Finance Director reviewed those costs and will discuss with the handler about recouping some of that.

Commissioner Lyons asked if this item included an assumption of the dog going with its handler.

The City Manager stated it is the City's intention to engage in a transaction with the handler for the dog.

Vice-Chair Kahle moved to approve the resolution and Commissioner Friedman seconded the motion.

Chair Nootz thanked the officers for their service, and is happy to hear that the intent is to keep the two together.

The item was approved unanimously by the five Commissioners present.

10. Action Items

A. SELECTION OF NEW CITY LOGO

PG.86

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this a continuation of a discussion that began in April of this year with the Commission. He recalled that in October the Commission narrowed down the list of possible logos to two finalist and provided direction to staff to work with the graphic design team to refine the two concepts. He let the Commission know they City conducted a survey last week with the two concepts and 3 variations of each. As of earlier today the survey received 601 responses and 58% of the community preferred concept 2.

Commissioner Schwarz stated he has heard feedback wondering why we didn't give the logo to someone local to design.

The City Manager reminded that the City has a procurement policy and it was put out as a request for proposal process and we received 9, one being a local firm, and the RFP was sent directly to 3

local firms, 2 of them stated they were too busy to respond. An evaluation team evaluated and deliberated and ultimately recommended Abbi Agency for award. The Award was approved by the Commission earlier this year.

Commissioner Lyons asked for clarification on the differences in options A-C on Concept 2.

The City Manager clarified that the differences are in the lettering of Livingston Montana.

Vice-Chair Kahle wondered if there is an option to go back to drawing board.

The City Manager stated yes, but there may be added cost, but would need to know the intent of the Commission to gain further clarification on what might be needed from the design team.

Vice-Chair Kahle asked if the internal team had input on the designs.

The City Manager stated yes, they have along with input from the Commission.

Chair Nootz asked about color and the way the color shows up and wondered if it was thought about during design with people in mind who don't see colors the same as others. She also asked to be able to see examples of how this logo will appear on different things within the City, and wants to see it in the different variants by department.

The City Manager stated the colors came from the initial community survey and green and blue were highest ranked for logo colors. He clarified that selecting the logo is the first step and finalizing the color would be a second step on the process. He also addressed the variants stating they were shown in the first round reminding that the change will come in replacement of Montana with each department.

Commissioner Lyons stated as a color blind person he prefers Concept 1, remove the little trees in Concept 1, and put the original bend from Concept 2 into it. With the changes he would choose Concept 1.

Public Comment was offered by:

- James Willich pointed out in Concept 2 the letters in T and A in Montana are awkwardly close together, also pointing out that the M is closer to the date than the end A.
- Forest Husman stated he loves Livingston and lives in Livingston. He doesn't feel there is enough thought in the 2 concepts and feels they are very plain.
- Angela Devani agreed with Forest and expressed concerns about the comments on Facebook about the survey and stated there was no option in the survey to not choose either.

Chair Nootz asked when the current logo became our logo.

The City Manager stated he doesn't have the exact date, but found documents about it predating 1990.

Chair Nootz asked if the City spoke to anyone who applies these types of logos if there were concerns about it.

The City Manager stated that the City spoke to different vendors and did not find any issues other than a minor embroidery challenge around the trees in Concept 1. The City Manager clarified that revisions to the design were made that include Livingston Peak, the Sleeping Giant, and the correct bend in the river.

Vice-Chair Kahle expressed that she feels underwhelmed by the two final picks. She did look back at the work Abbi Agency has done and they have done good stuff, but just really felt underwhelmed by the two selections.

Commissioner Friedman expressed that he like Concept 2.

Commissioner Lyons stated we want to see our place in the design, and states he does kind of see the Sleeping Giant and Livingston Peak, but feels it's a bit of a stretch. He doesn't feel that settling would be the best option.

Commission Schwarz also stated he is underwhelmed, but stated he does agree with the survey results if he had to pick tonight he would choose Concept 2.

Chair Nootz expressed concerns about the smallness of the trees in Concept 1, but feels the mountain view had improved since they first saw the designs. For Concept 2 she expressed thoughts that the green color looked like a smoky day in fall, and doesn't really like the color.

The City Manager check back around and two Commissioners liked Concept 1 and two Commissioners like Concept 2, and the 5th Commissioner chose neither.

Chair Nootz asked the City Manager for this thoughts and what to do.

The City Manager agreed they are in stalemate, but list a couple options being work to merge Concept 1 and 2, or going back to the drawing board and solicit more options from the design team.

Chair Nootz expressed that it would be helpful to see real life examples of what it would like maybe on a truck and changing the word Montana to the things people are going to see when they're around town.

Vice-Chair Kahle stated the colors are very drab and would like to see them brightened up.

Chair Nootz felt it was appropriate not to make a motion and all Commissioners agreed to not motion on this item at this time.

B. COMMISSION DIRECTION ON STATE MANDATED ZONING CHANGES

PG.99

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this item is in direction response to some legislative changes that were enacted at the State level. This change is coming from the two bills that allow a duplex housing unit where a single family unit is permitted. It brought up concern about density from staff, and they would like to get Commissioners input on a direction as they put into place these statutorily required changes. What it comes down to is the allowance of an accessory unit for a duplex or multifamily housing units. Starting January 1st a duplex will be allow anywhere that a single family home is allowed, and the question for the Commission is would we want to allow ADUs to be constructed for duplex or multifamily units. The concern really comes when looking at double or triple lots and the example being on a triple lot that three duplexes would be allowed with one ADU for each of those duplexes, so nine residential units would be allowed on a triple lot. The primary clarification that staff is looking for is if the Commission will allow an accessory unit for each primary unit or if the Commission would limit accessory units only to single family homes, or some other arrangement.

Chair Nootz clarified that the City Manager is just looking for intent on how the Commission interprets this policy. They are not voting.

The City Manager wanted their interpretation before staff did a Zoning text amendment.

Commissioner Lyons stated his understanding of ADUs is they are most commonly applied in the context of single family housing development where the market has changed and there is now a demand for additional housing. He also said he would be surprised in response to the new allowable density that there would be a huge market response.

Chair Nootz stated she is concerned about this item and reminded that when they first did the ADU ordinance it was to increase density and the state basically doubled their efforts. She shared that many people in her neighborhood are renters and there wasn't off street parking required at the time that many of the units in her neighborhood were built, and she is concerned for those neighborhoods where there is already not off street parking if there is more requirements for no off street parking. She did express that this bill doesn't give Livingston what it wanted which was for development to pay its own way. She would like to see it with their original intention of the ADU ordinance which is a unit with a house.

Vice-Chair Kahle asked if on a double lot you could have 2 homes could you have 2 ADUs as well.

The City Manager stated yes, the way things are currently written if the lot was double-sized it within that zoning district it would be allowed a single family home and an ADU. The way that Livingston Municipal Code is written those could all be within one structure. On a triple lot we could end up with 9 units.

Chair Nootz clarified that we couldn't require parking and they would have to pay impact fees.

Commissioner Lyons clarified that they wouldn't have to pay impact fees for the ADUs they would for the duplexes.

Vice-Chair Kahle questioned that our parking code currently would require one parking space for each primary.

The City Manager stated that is correct.

Vice-Chair Kahle agreed that without parking requirements it could be problematic for neighborhoods.

Commissioner Friedman and the City Manager worked through an example location and what could potentially happen on a double lot.

Commissioner Schwarz really agreed with Chair Nootz and would hate to leave this opened ended especially with parking and he likes the original intent of our ADU ordinance. He strongly agrees that the ADU ordinance that they put into place is the way things should stay.

Commissioner Lyons understands his fellow Commissioners thoughts, but really doesn't feel that will be a huge amount of demand for nine units on a triple lot.

C. UPDATE ON COMMUNITY WELLNESS CENTER PROJECT

PG.116

Chair Nootz called on the City Manager to introduce the item.

The City Manager presented slides and stated he has spent the last few months working with 4 Ranges Community Recreation Foundation to determine viable paths forward for this project in the absence of County participation. He stated we are at the point where they have reached a plan that is financially viable for the project. Community feedback about what the Wellness Center should include is an indoor pool, gymnasium, and walking track. He reminded that earlier this year the Commission had selected the Katie Bonnell Park as the preferred location. The City Manager stated that he and staff have been working with adjacent private property owners to the park to acquire rights to use their land as part of the project, and those conversations have been successful. The 4 Ranges has been working with an architect team to design a structure that includes the areas that the community wanted to see within the facility. Community cost exercises produced a financial plan that they believe will work for this project. He gave a breakdown of the taxable value for 30 mills can be determined by the locating the taxable value on your most recent tax bill and multiplying that number by 001 then again by 30. A \$5 million operating endowment is needed, in response to lack of our County support for this project, and discussions and plans are being made around that.

Public Comment was offered by:

- Chase Rose is the campaign manager with 4 Ranges and he expressed thanks to the City Manager for his work on this project. He and his team are very optimistic about raising significant funds for the operational endowment. They will attempt to raise this as soon as possible and will continue to raise funds during the building process as well. He requested the Commission let them know about the project as the team has deadlines by the end of 2023 for grants other funds.

Vice-Chair Kahle asked if this goes to ballot when would this be, and wondered if it would be the June election.

The City Manager stated that the City does that the ability to call a special election for a special district at any time no less than 85 days. He reminded the Commission did add money into the budget for a special election if necessary.

Chair Nootz clarified that they set aside for an in person election rather than a special election, so they have not set aside money for a special election.

The City Manager stated that is correct.

Chair Nootz asked how much it would cost for a special election.

The City Manager stated it would depend on the form the election, but the mail in cost is less than \$10,000.

Chair Nootz stated that they conditionally agreed upon Katie Bonnell Park subject to learning more information which is still forthcoming. She felt her and community members would like an update on that location before committing to that location. She asked how many mills were proposed when this proposal went to the County.

The City Manager stated it was 35 mills.

Chair Nootz asked how that was split.

The City Manager stated it was 35 mills to be assessed across the entirety of the district, but believes that was a little more taxable value for the area outside of Livingston.

Chair Nootz shared feedback from the community that our residents need to learn how to swim for safety in our area and it was felt this should be provided for public health and safety. She asked if there would still be a charge for swim lessons.

The City Manager stated yes there would a charge.

Chair Nootz asked if 4 Ranges was committing to the \$5 million endowment.

The City Manager stated he spoke with the two largest funders of 4 Ranges and they are committed to the endowment if the Commission is interested in moving forward in partnership with the 4 Ranges. He recommended that they have a supplemental memorandum of understanding that would outline roles and responsibilities.

Chair Nootz expressed that she felt it would not be compelling to the voters to know that there could be a \$25 million building that is being fund raised for while building it. She wondered what protections are in place for the community in this scenario because it could potentially be a very expensive mistake.

The City Manager stated the only way to have absolute assurance is to raise the money before project moves forward into that step. He also stated that the two large funders seem committed and one of them did offer a gift to the endowment of about 40% of the recommended value. He does feel confident that this money can be raised by the community.

The City Manager addressed the comment on the area of the park and stated they have been working with the State Department of Environmental Quality and also the contracting team who has been doing the monitoring of the BNSF super fund site. They have recently received the data from the railroad that they have conducted. They have done a preliminary review of that data. He stated it does not appear that there is an issue that exists that cannot be fixed through construction needs and methods. A structure that is built on Katie Bonnell Park would require a soil gas system similar to a radon system. They do expect that is the most impactful requirement given the environmental situation with this lot. There are funding pots available from DEQ both in the design and construction of such mitigation systems and after talking to DEQ it would be projects intention to pursue those funds. He did point out the project as its structure is a public private partnership, so to construct the facility itself that would be the responsibility of the foundation. The City, as a requirement of the new market tax credit program, will need to provide an outside entity with care and control of the property. We would not transfer ownership of the property, but we do need to engage in a land lease. We would transfer that land and control over to the private entity, they would construct the facility in accordance with our requirements and DEQ requirements, and then they would have to have control of that property for the first several years of operation. We would operate it on a lease basis, then at the end of the initial time period the building and property would be transferred back to the City for use to then operate.

Chair Nootz did express although she appreciates the City Managers comment she would like to see the data. She thanked the City Manager for prioritizing the community of Livingston with the financial commitment like this. She also stated she appreciates the commitment to the endowment.

Commissioner Schwarz stated he likes this proposal that they are coming up with at least from an affordability standpoint. He stated he doesn't mind paying taxes as long as he getting something

for it. He is concerned about losing the money that has been pledged, but doesn't want to make a rash decision on that either. He wanted to clarify that they did select a location for the project.

Chair Nootz did clarify that the Katie Bonnell Park was selected based studies done on the property with their second choice being the school district location.

Commissioner Schwarz thought they did do studies on this park.

Chair Nootz stated no that there has been information delivered to the City and he has presented that information just tonight.

Commissioner Schwarz stated he would like to see this project keep moving forward.

Commissioner Lyons agrees with Commissioner Schwarz. He did want to acknowledge what has happened between the County not participating to what is viable now, but feels it's been an immense amount of work to get where we are now. He ultimately feels the voters should be able to tell them if they want to pay for this or not.

Vice-Chair Kahle thanked the City Manager for the work he has put into this project to get it where it is now. She does feel that they can get over the few hurdles and put this to the voters. She stated she would like to see an MOU for the endowment so we know they are committed to that.

D. CLOSED SESSION PURSUANT TO 2-3-203 TO DISCUSS A MATTER OF INDIVIDUAL PRIVACY

Chair Nootz moved to go into closed session seconded by Vice-Chair Kahle. Unanimously approved.

(Starts at Video Mark 4:08:30)

11. City Manager Comment

The City Manager thanked the Commission for their input in critical topics tonight. He wished everyone Happy Thanksgiving.

12. City Commission Comments

Commissioners Lyons, Schwarz, and Vice-Chair Kahle wished everyone Happy Thanksgiving.

Chair Nootz congratulated James Willich on welcome to the Commission and is excited to be on the Commission for the next four years.

13. Adjournment

11:08pm Commissioner Friedman motioned to adjourn the meeting seconded by Lyons. Unanimously approved.

Calendar of Events

Supplemental Material

Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.